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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,168	02/17/2000	Frode Bjelland	027559-018	7472

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EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,168

Applicant(s)

BJELLAND ET AL.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to application dated:2/17/00.

Information Disclosure Statement

2. The information disclosure statement filed 11/28/00 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because “Foreign Patent Documents” are not enclosed. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Objections

3. Claim objected to because of the following informalities:
 - a. Claims 2 and 3 recite, “ISTP” which is not disclosed explicitly or implicitly in Specifications, which recite, “ITSP”, refer to page 2 line 17.

Appropriate correction is required.
 - b. Claims 14 and 30 recite, “ the method wherein said communication system---

having a voice gateway, and wherein said step of routing further includes the steps of:

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- c. “first extending call negotiation ----more packet switched legs; and second extending said call negotiation ----and second voice gateways”, which is not disclosed explicitly or implicitly in Specifications,
Appropriate correction/clarification is required.

Specifications

4. The disclosure is objected to because of the following informalities:
- a. Describe/explain following acronyms as to what these stand for?
“VPLMN” and “HPLMN”. Refer to page 2 (line 14).
“HLR”, refer to page 2 line 20
Appropriate correction is required.
- b. The following are shown incorrectly in specifications:
Refer to page 10, line 8, PSTN 120 should be PSTN 180 in fig. 4;

Drawings

5. a. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “310” has been used to designate both Internet Service Provider and PSTN. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

b. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

c. The drawings are objected to under 37 CFR 1.83(a) because they fail to show as described in the specification, as follows:

MSC 34 on page 4 line 2, not shown in fig. 2;

Unit 36 at page 4 line 7;

IP links 40 and 42, at page 4 line 22;

Cell 210, at page 9 line 18;

RBS 22, at page 9 line 22;

Telephone 350 and phone 340, at page 10 line 16;

Cellular phone 340, at page 10 line 16;

RBS-2000, at page 10 line 1;

Step 430, at page 11 line 8, not shown correctly in fig. 6;

Terminal 690 in line 17 at page 11;

terminal 695 in line 18 at page 11;

gatekeeper 740 in line 20 at page 11;

terminals 690 and 695 in lines 21 and 22 respectively at page 11;

gateway 770 and 780 at page 12 lines 1 and 2 respectively.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being by **Schneider** (US Patent No. 6,570,871).

For claim 1, Schneider discloses, “a method for routing calls in communication network, refer to col. 3 lines 25-30, col. 3 lines 48-55, col. 5 lines 49-55, col. 6 lines 29-33, abstract and fig. 2 comprising the steps of:

- transmitting a call from a first mobile 70a user to a gatekeeper node 74a, fig. 2, and refer to col. 7 lines 34-35;
- obtaining, by said gatekeeper node 74a, an indication (address information, refer to col. 2 lines 6-31, of whether the call can be routed to a second mobile user over an IP network, refer to col. 2 lines 10-13, refer to col. 4 lines 20-43, and 63-67, and col. 7 lines 14-24;

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- if so, obtaining a roaming number associated with the second mobile user (destination number, refer to col. 4 lines 20-43 and figs. 9a-9c;
- translating the roaming number into an IP address (destination address, refer to col. 5 lines 3-29, col. 7 lines 52-67, and col. 15 lines 57-67;
- forwarding the call from the gatekeeper node to a node associated with the IP address, refer to col. 3 lines 49-55, col. 5 lines 3-29, and col. 4 lines 15-20.

For claims 2-3, Schneider discloses, "the gatekeeper node is an ISTEP" (Internet Service Provider, refer to col. 1 lines 43-45, and col. 8 lines 13-15, GSM (refer to col. 8 lines 4-45 and col. 6 lines 43-45).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-6, 19-22, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider** (US Patent No. 6,570,871), as applied to claim 1 above, and further in view of **Forslow** (US Patent No. 6,608,832).

For claims 4 and 20, Schneider discloses, "a method for routing calls in communication network, refer to col. 3 lines 25-30, col. 3 lines 48-55, col. 5 lines 49-55, col. 6 lines 29-33, abstract and fig. 2 comprising the steps of:

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- evaluating call information associated with the call at call control point, refer to col. 2 lines 20-30, col. 4 lines 20-43 and lines 63-67;
- routing the call based on the call information such that a quality level, col. 6 line 53, of the call is obtained, refer to col. 4 lines 15-20;
- a packet switched backbone, refer to col. 14 lines 18-21;
- a gatekeeper node coupled to the packet switched backbone, refer to 74a in fig. 2, and col. 14 lines 18-21;
- evaluate call information associated with the call, col. 2 lines 6-31, refer to col. 2 lines 10-13, refer to col. 4 lines 20-43, and 63-67, and col. 7 lines 14-24;
- route said call based on said call information such that a quality level of said call is optimized, refer to col. 6 lines 48-55;

Schneider does not disclose expressly “quality level of the call”;

Forslow discloses, “quality level of the call” (provide a particular communications service a certain particular communication, refer to col. 4 lines 61-63), and abstract;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of sustaining “quality level of the call”. The capability can be implemented by combining the system as taught by Forslow at the gateway /gatekeeper node 74a in fig. 2. The suggestion/motivation to do so would have been to achieve the quality of service requirements by the customer.

For claims 5 and 21, Schneider discloses the following limitations:

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- “wherein the call information includes an identity associated with said terminating station”, (number field identifies the destination router, refer to col. 2 lines 1-20), further also refer to col. 13 lines 60-65.

For claims 6, 19, 22, and 35, Schneider discloses all the limitations of subject matter in claims, with the exception of the following limitations:

- wherein the call information further includes carrier information associated with said terminating station, **as taught by claims 6 and 22;**
- wherein the call information further includes a user profile, **as taught by claims 19 and 35.**

Forslow discloses the following limitations:

- wherein the call information further includes carrier information associated with said terminating station, **as taught by claims 6 and 22**, (circuit switched or packet switched bearer), refer to abstract;
- wherein the call information further includes a user profile, **as taught by claims 19 and 35**, (refer to col. 3 lines 10-18, and col. 15 lines 50-52).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of call information including carrier information and user profile. The capability can be implemented by combining the system as taught by Forslow at the gateway /gatekeeper node 74a in fig. 2. The suggestion/motivation to do so would have been to achieve the quality of service requirements by the customer in selecting prescribed carrier.

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10. Claims 7-10, 18, 23-26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider** in view of **Forslow**, as applied to claims 4 and 20 above, and further, in view of **Farris et al** (US Patent No. 5,881,131), hereinafter, **Farris**.

For claims 7-10, 18, 23-26 and 34, both **Schneider** and **Forslow** disclose all the limitations of the subject matter of all claims 7-10 and 23-26, including the following limitations:

- the carrier type includes circuit switched carrier and packet typed switched carrier, as taught by **claims 9 and 10**, (circuit switched bearer and packet switched bearer), refer to **Forslow's** abstract and fig. 2;

Both **Schneider** and **Forslow** do not disclose the following limitations:

- wherein the carrier information includes a carrier type for use in routing the call terminating station, **as taught by claim 7**;
- wherein the step of routing further includes the step of routing the call according to the carrier type, **as taught by claim 9**;
- wherein said identity includes a PIC identity associated with said terminating station, **as taught by claims 18 and 34**;

Farris discloses the following limitations:

- wherein the carrier information includes a carrier type for use in routing the call terminating station, **as taught by claim 7**, refer to col. 56 lines 32-36;
- wherein the step of routing further includes the step of routing the call according to the carrier type, as taught by claim 9; refer to col. 56 lines 32-36;

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- wherein said identity includes a PIC identity associated with said terminating station, **as taught by claims 18 and 34**, refer to col. 34 lines 50-55 and col. 56 lines 32-35;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of carrier information. The capability can be implemented by combining the system as taught by Farris at the gateway /gatekeeper node 74a in fig. 2. The suggestion/motivation to do so would have been to achieve the quality of service requirements by the customer in selecting prescribed carrier.

11. Claims 11-13 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider** in view of **Forslow** in view of **Farris et al**, hereinafter, **Farris**, as applied to claims 4, 10, 20 and 26 above, and further, in view of **Thomas** (US Patent No. 6,421,339).

For claims 11-12 and 27-28, Schneider discloses communication system further includes a visited network 60b associated with the terminating station 70b, and one or more packet switched legs 84, refer to fig.2; and wherein the method further comprising the steps of:

- retrieving a roaming number for the terminating station, col. 2 lines 6-31, refer to col. 2 lines 10-13, refer to col. 4 lines 20-43, and 63-67, and col. 7 lines 14-24;
- routing the call to the terminating station directly over one of the one or more packet switched legs to the terminating visited network, refer to col. 6 lines 48-55, and col. 7 lines 20-25;
- terminating the homing packet switched leg at the home network, as recited by claims 12 and 28, refer to col. 6 lines 48-55, and col. 7 lines 20-25;

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- routing the call to the terminating station through the GMSC (62a of fig. 2 of Schneider), refer to col. 6 lines 48-55, and col. 7 lines 20-25;

Schneider, Forslow and Farris do not disclose expressly , “retrieving a *roaming* number for the terminating station;

Thomas discloses, “retrieving a *roaming* number for the terminating station”, refer to abstract; col. 5 lines 2-10, and fig. 3;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of retrieving a roaming number for the terminating station. The capability can be implemented by combining the system as taught by Thomas at the gateway /gatekeeper node 74a in fig. 2. The suggestion/motivation to do so would have been to achieve the quality of service requirements by the customer in selecting prescribed carrier.

For claims 13 and 29, Schneider discloses all the limitations of subject matter, and the following limitation:

“wherein the step of routing ----negotiating an end to end encoding between the originating station and the terminating station”, refer to col. 4 lines 28-33 and col. 7 lines 1-4.

12. Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider** in view of **Forslow, Farris et al**, hereinafter, Farris, and further, in view of **Thomas** as applied to claims 4, 10, 13, 20, 26, and 29 above, and further in view of **Aravamudan et al** (US Patent No. 6,567,398), hereinafter, ‘398.

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For claims 14 and 30, Schneider, in view of Forslow, Farris, and Thomas disclose all the Limitations of the subject matter of the claims , with the exception of the following limitations:

“first extending call negotiation---originating station and said terminating station----
packet switched legs;

‘398 discloses, “first extending call negotiation---originating station and said terminating station----packet switched legs, (extend the base call protocol), refer to col. 11 lines 18-33;

“second extending said call negotiation -----packet switched legs----second voice gateways”, (extend the base call protocol), refer to col. 11 lines 18-33.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of extending call negotiation. The capability can be implemented by combining the system as taught by Aravamudan‘398 at the gateway /gatekeeper node 74a in fig. 2. The suggestion/motivation to do so would have been to achieve the quality of service requirements by the customer in selecting prescribed carrier.

Allowable Subject Matter

13. Claim15-17 and 31-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Goeddel et al (US Patent No. 6,141,345) discloses an access platform pools a plurality of different signal processing resources.
- Sallberg et al (US Patent No. 6,594,253) discloses a telecommunication system and method is disclosed for providing mobility management for a Mobile station.

Conclusion

15. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

16. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand –delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, sixth floor (Receptionist).

Inder Mehra
Inder Mehra

November 18 , 2003



DANGSTON
PRINCIPAL EXAMINER